



House of Representatives

General Assembly

File No. 141

January Session, 2005

Substitute House Bill No. 6754

House of Representatives, April 4, 2005

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE REGULATION OF AMUSEMENT RIDES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-133 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 When used in sections 29-134 to 29-142, inclusive, as amended by
4 this act:

5 (1) "Amusement" means any circus or carnival presented in the
6 open, including a place (A) where one or more mechanical rides or
7 devices capable of accommodating five or more persons are presented
8 for amusement or entertainment purposes, and any circus, carnival or
9 other portable show or exhibition presented under any single tent, air-
10 supported plastic or fabric or other portable shelter, and involving the
11 assembly of one hundred or more persons, or (B) where a device or
12 combination of devices that carries, conveys or directs persons over or

13 through a fixed or restricted course or within a defined area are
14 presented for the primary purpose of amusement or entertainment
15 including, but not limited to, go carts, air-supported structures, bungee
16 jumping operations or devices that involve the purposeful immersion
17 of a person's body partially or totally in water and involve more than
18 incidental contact such as pools, water slides, lazy rivers and
19 interactive aquatic play devices;

20 (2) "Commissioner" means the Commissioner of Public Safety;

21 (3) "Insurance [commissioner]" Commissioner means the state
22 Insurance Commissioner;

23 (4) "Grandstand" means any structure, either with or without a roof,
24 providing seating for one hundred or more persons;

25 (5) "Owner" means the proprietor, operator, agent or possessor of
26 such amusement;

27 (6) "Tent" means any structure with or without side panels having
28 wood or metal supports and using any kind of a textile or similar
29 material for coverage, and having a capacity sufficient to shelter one
30 hundred or more persons or covering a ground area of more than one
31 thousand two hundred square feet.

32 Sec. 2. Section 29-136 of the general statutes is repealed and the
33 following is substituted in lieu thereof (*Effective October 1, 2005*):

34 (a) On receipt of an application for an amusement license, the
35 Commissioner of Public Safety shall cause a full investigation and
36 inspection of the location, equipment, paraphernalia, mechanical
37 amusement rides and devices in respect to such amusement and all
38 other matters relating thereto to be made and shall determine whether
39 or not such amusement will be reasonably safe for public attendance
40 and may make reasonable orders concerning alterations, additions or
41 betterments to the equipment, paraphernalia, mechanical amusement
42 rides and devices, and concerning the character and arrangement of
43 the seating, means of egress, lighting, fire-fighting appliances, fire and

44 police protection and such other provisions as shall make the
45 amusement reasonably safe against both fire and casualty hazards.

46 (b) When any serious physical injury, as defined in subdivision (4)
47 of section 53a-3, or death occurs in connection with the operation of
48 any amusement ride or device, the owner of such ride or device shall,
49 within four hours after such occurrence, report the injury or death to
50 the commissioner or his designee. Within four hours after receipt of
51 any such report, the commissioner or his designee shall cause an
52 investigation of the occurrence and an inspection of the ride or device
53 to determine the cause of such serious physical injury or death. The
54 commissioner or his designee may enter into any place or upon any
55 premises so licensed in furtherance of such investigation and
56 inspection. Unless otherwise authorized by the commissioner, no
57 amusement ride or device subject to the provisions of this chapter may
58 be operated or altered nor shall it be removed from the location where
59 such injury or death occurred for seventy-two hours after the time of
60 the receipt of the report.

61 (c) The commissioner may adopt regulations in accordance with the
62 provisions of chapter 54 to carry out the provisions of this section. In
63 adopting such regulations, the commissioner may incorporate, by
64 reference, standards set forth by the American Society for Testing and
65 Materials with respect to the inspection and supervision of the rides or
66 devices specified in subdivision (1) of section 29-133, as amended by
67 this act, or any amendment thereto.

68 (d) The commissioner may grant variations from, or approve
69 equivalent or alternate compliance with, particular provisions of this
70 section or any regulation adopted under the provisions of subsection
71 (c) of this section where strict compliance with such provisions would
72 entail practical difficulty or unnecessary hardship, or is otherwise
73 adjudged unwarranted, provided any such variation or approved
74 equivalent or alternate compliance shall, in the opinion of the
75 commissioner, secure the public safety.

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| This act shall take effect as follows and shall amend the following sections: | | |
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|-----------|------------------------|--------|
| Section 1 | <i>October 1, 2005</i> | 29-133 |
| Sec. 2 | <i>October 1, 2005</i> | 29-136 |

Statement of Legislative Commissioners:

In subdivision (1) of section 1, the reference to "bungee jumping operations" was moved within subparagraph (B) for clarity. In subsection (c) of section 2, the reference to the American Society for Testing and Materials was moved within said subsection for clarity.

PS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

| Agency Affected | Fund-Effect | FY 06 \$ | FY 07 \$ |
|----------------------|-------------|----------|----------|
| Public Safety, Dept. | GF - None | None | None |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the definition of amusement rides, and could potentially increase the workload for the Department of Public Safety inspectors. The bill is not anticipated to have a fiscal impact on the state.

OLR Bill Analysis

sHB 6754

AN ACT CONCERNING THE REGULATION OF AMUSEMENT RIDES**SUMMARY:**

This bill expands the types of amusement rides subject to Department of Public Safety (DPS) regulation by broadening the definition of amusement. The bill allows the DPS commissioner to grant variations from, or approve equivalent or alternate compliance with, amusement ride laws or DPS regulations if strict compliance would entail practical difficulty or unnecessary hardship, or is considered unwarranted, provided such actions, in his opinion, secure the public safety. The bill also allows the commissioner to incorporate, by reference, in regulations he must adopt under existing law standards set forth by the American Society for Testing and Materials with respect to the inspection and supervision of the rides subject to regulation.

EFFECTIVE DATE: October 1, 2005

RIDES SUBJECT TO REGULATION

By law, DPS must license amusement ride owners, who must provide proof of financial responsibility, and inspect their rides at least once annually. Under current law, the requirements apply to circuses or carnivals presented in the open and include mechanical rides or devices presented for amusement or entertainment, and circuses, carnivals, or other portable shows or exhibitions presented under any single tent, air-supported plastic or fabric or other portable shelter, and involving the assembly of 100 or more people.

The bill adds circuses or carnivals where a device or combination of devices carries, conveys, or directs people over or through a fixed or restricted course or within a defined area primarily for amusement or entertainment. The devices include air-supported structures, bungee jumping operations, or devices that involve the purposeful immersion

of a person, partially or totally, in water and involve more than incidental contact, such as pools, water slides, lazy rivers, and interactive aquatic play devices.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 22 Nay 0